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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,020	04/16/2004	Jan R. Coyle	81857.0008	9069
26021	7590	03/20/2006	EXAMINER	
HOGAN & HARTSON L.L.P. 500 S. GRAND AVENUE SUITE 1900 LOS ANGELES, CA 90071-2611			SLITERIS, JOSELYNN Y	
			ART UNIT	PAPER NUMBER
			3616	

DATE MAILED: 03/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/826,020	COYLE, JAN R.	
	Examiner	Art Unit	
	Joselynn Y. Sliteris	3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-10, 12, 13 is/are rejected.
- 7) ☒ Claim(s) 5, 6, 11 and 14 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>07192004</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Oath/Declaration

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not identify the mailing address of each inventor. A mailing address is an address at which an inventor customarily receives his or her mail and may be either a home or business address. The mailing address should include the ZIP Code designation. The mailing address may be provided in an application data sheet or a supplemental oath or declaration. See 37 CFR 1.63(c) and 37 CFR 1.76.

Specification

2. The disclosure is objected to because of the following informalities: on page 6 line 11, "42" should be --46--; on page 6 lines 14 & 17, "40" should be --44--.

Appropriate correction is required.

3. The abstract of the disclosure is objected to because it exceeds 150 words. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 7 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Regarding claim 7, the recitation "the at least one sharp point extends outwardly from the torso of a vehicle occupant" is unclear because it appears that the at least one sharp point might not always be positioned on the torso of the vehicle occupant.

Therefore, claim 7 is rendered indefinite.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-4, 7, and 8 are rejected under 35 U.S.C. 102(a) as being anticipated by MacDougall (U.S. Patent Application Publication US2004/0050608A1).

9. Regarding claims 1-4, MacDougall discloses a seat belt system as in the present invention comprising a belt 12 and a puncture device 10, 202, 220, 235, 200, 425, 500 mounted on the belt and having a pointed tip 18, 204, 223, 232, 218;

wherein the puncture device 10, 202, 220, 235, 200, 425, 500 includes means for venting gas (surface of the tip 18, 204, 223, 232, 218) from an inflating air bag upon puncturing of the bag;

wherein the puncture device includes a clip (17; also Figs. 2b, 2c; 222);

wherein the puncture device includes means for shielding 20 the pointed tip 18 except when an air bag inflates against the belt.

10. Regarding claims 7 and 8, MacDougall discloses a puncture device 10, 202, 220, 235, 200, 425, 500 as in the present invention comprising an element having at least one sharp point 18, 204, 223, 232, 218 and an arrangement for mounting the device (17; also Figs. 2a-2c; 222) so that the at least one sharp point extends outwardly from the torso of a vehicle occupant and punctures an air bag upon inflation onto the torso of the occupant, wherein the arrangement for mounting the device includes a vehicle seat belt 12 and means for mounting the device on the seat belt.

11. Claims 9, 10, 12, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Collins (U.S. Patent 5,657,543).

12. Regarding claims 9, 10, 12, and 13, Collins discloses a puncture device 10 comprising a cylindrical cutting device 18 having a serrated outer end 36, a spring loaded collar 20 slidably mounted on the cylindrical cutting device and means for mounting 12, 54 the cylindrical cutting device on a vehicle seat belt,

wherein the spring loaded collar 20 includes a spring 22 having a resilient resistance to sliding movement of the collar over the cutting device which defines a predetermined amount of force necessary for the cutting device to puncture an inflating air bag,

wherein the puncture device 10 includes means for removably mounting 12, 54 the cylindrical cutting device 18 on a vehicle seat belt,

wherein the means for removably mounting 12, 54 includes a resilient clip.

Allowable Subject Matter

13. Claims 5, 6, 11 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joselynn Y. Sliteris whose telephone number is 571-272-6675. The examiner can normally be reached on Mon, Thurs & Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Joselynn Y. Sliteris 3/13/06
Patent Examiner
Art Unit 3616

JYS
3/13/06


PAUL N. DICKSON 3/14/06
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600